

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ORDER

Pending before the Court is defendant's motion to dismiss (Doc. #22), filed July 22, 2009; the Government's response (Doc. #23), filed August 6, 2009; defendant's motion to suppress and reply to government's response to defendant's motion to dismiss (Doc. #26), filed August 21, 2009; and the government's response to defendant's motion to suppress (Doc. #30), filed September 10, 2009.

On September 23, 2009, United States Magistrate Judge John T. Maughmer held an evidentiary hearing on the pending motion to suppress and motion to dismiss. Thereafter, on October 15, 2009, Judge Maughmer entered a report and recommendation (Doc. # 47) which recommended denial of the above-mentioned motions. Defendant's objection to the Magistrate's report and recommendation (Doc. #57) were filed on October 28, 2009.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to dismiss (Doc. #22), filed July 22, 2009, and motion to suppress (Doc. #26), filed August 21, 2009, must be denied.

Accordingly, it is

ORDERED that the Magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to dismiss (Doc. #22), filed July 22, 2009, and motion to suppress (Doc. #26), filed August 21, 2009, are denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 11/20/09